

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

INDICTMENT

NATHANIEL L. ORTIZ, : S1 08 Cr. 548 (DC)

a/k/a "Nate,"

NATHANAEL R. ORTIZ, :

a/k/a "Bob,"

a/k/a "Bebe," :

LUCECITA VARELA, :

a/k/a "Lucy,"

ISAAC SANTIAGO, :

a/k/a "Ice,"

JORGE MARCIAL, :

WILLIAM VELASQUEZ, :

a/k/a "Ant,"

a/k/a "Superman," :

JOSE TAVARES, :

a/k/a "Vega,"

a/k/a "Jose M. Nin,"

JASON COLON, :

a/k/a "Mini Me,"

JOSE REYES, :

RICHARD DELEON, :

STELLA MARTINEZ, :

ABEL BUSTOS, :

DAVID ORTIZ, :

a/k/a "Bori,"

LARRY BROCKINGTON, :

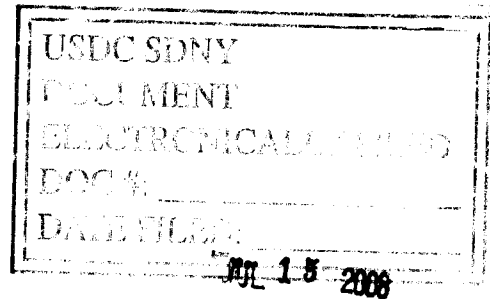
a/k/a "Black,"

JOSELIN PENA, and :

CATHERINE FIGUEROA, :

Defendants.

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COUNT ONE

The Grand Jury charges:

1. From at least in or about 2007, up to and including in or about June 2008, in the Southern District of New York and elsewhere, NATHANIEL L. ORTIZ, a/k/a "Nate," NATHANAEL

R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," LUCECITA VARELA, a/k/a "Lucy," ISAAC SANTIAGO, a/k/a "Ice," JORGE MARCIAL, WILLIAM VELASQUEZ, a/k/a "Ant," a/k/a "Superman," JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," JASON COLON, a/k/a "Mini Me," JOSE REYES, RICHARD DELEON, STELLA MARTINEZ, ABEL BUSTOS, DAVID ORTIZ, a/k/a "Bori," LARRY BROCKINGTON, a/k/a "Black," JOSELIN PENA, and CATHERINE FIGUEROA, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that NATHANIEL L. ORTIZ, a/k/a "Nate," NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," LUCECITA VARELA, a/k/a "Lucy," ISAAC SANTIAGO, a/k/a "Ice," JORGE MARCIAL, WILLIAM VELASQUEZ, a/k/a "Ant," a/k/a "Superman," JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," JASON COLON, a/k/a "Mini Me," JOSE REYES, RICHARD DELEON, STELLA MARTINEZ, ABEL BUSTOS, DAVID ORTIZ, a/k/a "Bori," LARRY BROCKINGTON, a/k/a "Black," JOSELIN PENA, and CATHERINE FIGUEROA, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about June 5, 2007, NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," ISAAC SANTIAGO, a/k/a "Ice," and JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," the defendants, participated in a sale of "crack" cocaine inside 1269 Grand Concourse, Bronx, New York (the "Building").

b. On or about June 28, 2007, JOSE REYES and NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," the defendants, participated in a sale of "crack" cocaine inside the Building.

c. On or about July 12, 2007, ISAAC SANTIAGO, a/k/a "Ice," and JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," the defendants, participated in a sale of "crack" cocaine inside the Building.

d. On or about September 28, 2007, ISAAC SANTIAGO, a/k/a "ICE," and JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," the defendants, participated in a sale of "crack" cocaine inside the Building.

e. On or about December 18, 2007, JORGE MARCIAL and ABEL BUSTOS, the defendants, participated in a sale of "crack" cocaine inside the Building.

f. On or about December 20, 2007, WILLIAM

VELASQUEZ, a/k/a "Ant," a/k/a "Superman," the defendant, participated in a sale of "crack" cocaine inside the Building.

g. On or about December 20, 2007, JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," WILLIAM VELASQUEZ, a/k/a "Ant," a/k/a "Superman," and ABEL BUSTOS, the defendants, participated in a sale of "crack" cocaine inside the Building.

h. On or about December 21, 2007, WILLIAM VELASQUEZ, a/k/a "Ant," a/k/a "Superman," the defendant, participated in a sale of "crack" cocaine inside the Building.

i. On or about December 26, 2007, WILLIAM VELASQUEZ, a/k/a "Ant," a/k/a "Superman," the defendant, participated in a sale of "crack" cocaine inside the Building.

j. On or about January 9, 2008, ISAAC SANTIAGO, a/k/a "Ice," and NATHANIEL L. ORTIZ, a/k/a "Nate," the defendants, participated in a sale of "crack" cocaine in the vicinity of the Building.

k. On or about January 14, 2008, NATHANIEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," the defendant, participated in a sale of "crack" cocaine inside the Building.

l. On or about February 20, 2008, JASON COLON, a/k/a "Mini Me," and JORGE MARCIAL, the defendants, participated in a sale of "crack" cocaine inside the Building.

m. On or about February 25, 2008, JASON COLON, a/k/a "Mini Me," the defendant, participated in a sale of "crack" cocaine inside the Building.

n. On or about February 28, 2008, STELLA MARTINEZ, the defendant, participated in a sale of "crack" cocaine inside the Building.

o. On or about March 5, 2008, JORGE MARCIAL and RICHARD DELEON, the defendants, participated in a sale of "crack" cocaine inside the Building.

p. On or about March 26, 2008, NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," the defendant, participated in a sale of "crack" cocaine in the vicinity of the Building.

q. On or about March 31, 2008, NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," the defendant, participated in a sale of "crack" cocaine in the vicinity of the Building.

r. On or about April 8, 2008, DAVID ORTIZ, a/k/a "Bori," and STELLA MARTINEZ, the defendants, participated in a sale of "crack" cocaine inside the Building.

s. On or about April 10, 2008, LARRY BROCKINGTON, the defendant, participated in a sale of "crack" cocaine inside the Building.

t. On or about April 22, 2008, DAVID ORTIZ, a/k/a "Bori," LARRY BROCKINGTON, a/k/a "Black," and STELLA MARTINEZ, the defendants, participated in a sale of "crack" cocaine inside the Building.

u. In or about May 2008, LUCECITA VARELA, a/k/a "Lucy," possessed cocaine and "crack" cocaine.

v. On or about May 5, 2008, STELLA MARTINEZ, the

defendant, participated in a sale of "crack" cocaine inside the Building.

w. On or about May 28, 2008, STELLA MARTINEZ, the defendant, participated in a sale of "crack" cocaine inside the Building.

x. In or about 2008, JOSELIN PENA, the defendant, maintained a residence in an apartment at 1269 Grand Concourse, Bronx, New York.

y. In or about 2008, CATHERINE FIGUEROA, the defendant, maintained a residence in an apartment at 1269 Grand Concourse, Bronx, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about May 2007, up to and including in or about June 2008, in the Southern District of New York and elsewhere, NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," JORGE MARCIAL, JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," JOSE REYES, DAVID ORTIZ, a/k/a "Bori," and ISAAC SANTIAGO, a/k/a "Ice," the defendants, unlawfully, willfully, and knowingly, not being licensed importers, licensed manufacturers, and licensed dealers, would and did engage in the business of importing, manufacturing, and dealing in firearms, and in the course of such business did ship, transport, and receive firearms in interstate and foreign commerce, to wit, ORTIZ, MARCIAL,

TAVARES, REYES, ORTIZ, and SANTIAGO sold at least eight firearms to another individual in the vicinity of 1269 Grand Concourse, Bronx, New York.

(Title 18, United States Code, Sections 922(a)(1)(A) and 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about January 17, 2008, in the Southern District of New York, NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," the defendant, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about April 21, 2004, of criminal sale of a controlled substance in the fourth degree, a Class C felony, in New York Supreme Court, Bronx County, unlawfully, willfully, and knowingly did possess in and affecting commerce a firearm, to wit, a loaded Rossi .38 caliber revolver, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT FOUR

The Grand Jury further charges:

6. On or about March 18, 2008, in the Southern District of New York, DAVID ORTIZ, a/k/a "Bori," the defendant, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about March 7, 2008, of criminal sale of a

controlled substance in the fifth degree, a Class D felony, in New York Supreme Court, Bronx County, unlawfully, willfully, and knowingly did possess in and affecting commerce a firearm, to wit, a Plainfield Machine Company Model M-1 .30 caliber assault rifle, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT FIVE

The Grand Jury further charges:

7. On or about June 13, 2008, in the Southern District of New York, ISAAC SANTIAGO, a/k/a "Ice," the defendant, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about January 2, 2007, of conspiracy in the fourth degree, specifically, conspiring to perform a Class B or C felony, a Class E felony, in New York County Supreme Court, Bronx County, unlawfully, willfully, and knowingly did possess in and affecting commerce a firearm, to wit, a loaded 9-mm Smith & Wesson semi-automatic pistol with a defaced serial number, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Section 922(g)(1).)

FORFEITURE ALLEGATION AS TO COUNT ONE

8. As a result of committing the controlled substance offense alleged in Count One of this Indictment, NATHANIEL L.

ORTIZ, a/k/a "Nate," NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a "Bebe," LUCECITA VARELA, a/k/a "Lucy," ISAAC SANTIAGO, a/k/a "Ice," JORGE MARCIAL, WILLIAM VELASQUEZ, a/k/a "Ant," a/k/a "Superman," JOSE TAVARES, a/k/a "Vega," a/k/a "Jose M. Nin," JASON COLON, a/k/a "Mini Me," JOSE REYES, RICHARD DELEON, STELLA MARTINEZ, ABEL BUSTOS, DAVID ORTIZ, a/k/a "Bori," LARRY BROCKINGTON, a/k/a "Black," JOSELIN PENA, and CATHERINE FIGUEROA, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the controlled substance offense for which the defendants are jointly and severally liable.

Substitute Assets Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

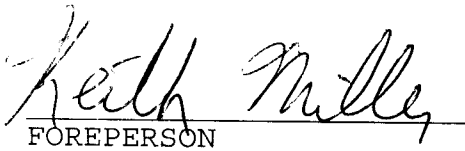
b. has been transferred or sold to, or deposited with, a third person;

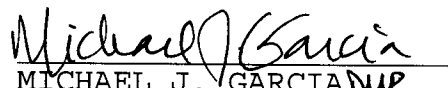
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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NATHANAEL R. ORTIZ, a/k/a "Bob," a/k/a
"Bebe," LUCECITA VARELA, a/k/a "Lucy,"
ISAAC SANTIAGO, a/k/a "Ice,"
JORGE MARCIAL, WILLIAM VELASQUEZ, a/k/a
"Ant," a/k/a "Superman," JOSE TAVARES,
a/k/a "Vega," a/k/a "Jose M. Nin," JASON
COLON, a/k/a "Mini Me," JOSE REYES,
RICHARD DELEON, STELLA MARTINEZ, ABEL
BUSTOS, DAVID ORTIZ, a/k/a "Bori," LARRY
BROCKINGTON, a/k/a "Black," JOSELIN PENA,
and CATHERINE FIGUEROA

Defendants.

INDICTMENT

S1 08 Cr. 548 (DC)

(18 U.S.C. §§ 2, 922(a)(1)(A), (g),
21 U.S.C. § 846).)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Foreperson.

Keith Miller
